IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12023 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

BASIRKHAN ALIBHAI BELIM

Versus

STATE OF GUJARAT

Appearance:

MR HR PRAJAPATI for Petitioner

MR HH PATEL for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 27/02/2001

ORAL JUDGEMENT

#. The petitioner was detained as a bootlegger under the order dated 12-10-2000 of the District Magistrate, Banaskantha at Palanpur.

#. Learned counsel for the respondents does not dispute

that the copies of statements of police persons recorded in the complaint which is made the basis for detention of the petitioner have not been supplied to the petitioner and as such he has been deprived of his valuable right of making effective representation as guaranteed to him under Article 22 (5) of the Constitution.

#. In the result, this petition succeeds and the same is allowed. The order of detention of the petitioner dated 12-10-2000 is quashed and set aside. The petitioner Basirkhan Alibhai Belim, the detenu, at present in Rajkot Jail, Rajkot be set at liberty forthwith, if he is not required in any other case. Rule is made absolute. No order as to costs.

****

zgs/-